IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA)
	Plaintiff,) 8:06CR158)
	vs.) DETENTION ORDER
DA	VID FERNANDO RUBAL,	
	Defendant.	}
A.	Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act onlune 1, 2006, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).	
B.	Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.	
C.	which was contained in the Pretrial Servic X (1) Nature and circumstances of the crime: the possessing kilograms of marijuana is a minimum sentence of forty years imprisonment (b) The offense is a crime of the cr	the offense charged: from with intent to distribute in excess of 100 in violation of 21 U.S.C. § 841(a)(1) carries five years imprisonment and a maximum of the first violence.
	may affect whe X The defendant ties. Past conduct of X The defendant The defendant The defendant The defendant The defendant The defendant Court proceeding	appears to have a mental condition which ther the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. is not a long time resident of the community does not have any significant community of the defendant: has a history relating to drug abuse. has a significant prior criminal record. It has a prior record of failure to appear at

DETENTION ORDER - Page 2 Parole Release pending trial, sentence, appeal or completion of sentence. (c) Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other: X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment, the defendant's criminal and drug abuse history, and the outstanding arrest warrant for the defendant for absconding felony probation of drug charges in Navajo County, Arizona. X (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: X (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or Χ (3) A controlled substance violation which has a maximum penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. X (b) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: Χ (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more. (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

weapon or device).

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persons awaiting or serving sentences or being held in custody pending appeal; and

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: June 1, 2006. BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge